



ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY

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Memorandum

*February 9, 2009
Agenda Item 5.2*

DATE: January 30, 2009

TO: Administration and Legislation Committee

FROM: Stephen Haas, Project Manager

SUBJECT: Route 580 Westbound HOV Lane Widening Project (Regional Measure 2 Subproject 32.2a) Authorization to Execute Professional Services Contracts for Right of Way Support

Action Requested

It is recommended that the Board take the following actions in support of Regional Measure 2 (RM2) Subproject 32.2a: the Westbound I-580 HOV Lane Project.

1. Approve Initial Project Report (IPR) update for Subproject 32.2a: the Westbound I-580 HOV Lane Project and request an allocation of \$300,000 in RM2 funds for right of way support services.
2. Approve Board Resolution 09-01 required for MTC to allocate RM2 funds.
3. Authorize the Executive Director, or his designee, to negotiate and execute all necessary agreements and contracts for the allocation and use of RM2 funds for right of way support services.

Next Steps

CMA staff will work with MTC staff to obtain Commission approval of the IPR update and allocation of funds in April 2009. CMA staff will then negotiate and prepare the necessary agreements and contracts.

Discussion

Action 1:

An IPR update and an additional allocation are required to fund and perform right of way support services for Subproject 32.2a. The CMA is currently preparing the environmental document and preliminary design for the I-580 Westbound High Occupancy Vehicle (HOV) Lane Project. The CMA has been provided with a 35% project plans and the project has been completed to the point where right of way needs may be identified. An allocation at this time will allow adequate lead time for right of way activities. A Project Fact Sheet (Attachment A) and IPR update (Attachment B) are attached.

Action 2:

In order to comply with MTC's RM2 policies, a Board Resolution is required to adopt the CMA's revised IPR and current allocation request. A Board resolution has been prepared and may be found in Attachment C.

Action 3:

The Executive Director, or his designee, will negotiate and execute all necessary agreements with the MTC for the allocation and use of RM2 funds as discussed in the IPR. The Executive Director, or his designee, will negotiate with qualified consultants and execute all necessary contracts to provide right of way services for the Westbound HOV project.

Financial Impact to the CMA Budget

The revenues and costs associated with this project are not incorporated in the CMA's currently approved budget. The additional project costs will be met through additional funding from RM2. The additional costs and revenues for this project will be incorporated into the budget at the next quarterly update of the CMA's current fiscal year budget.

Attachments:

Attachment A: Fact Sheet

Attachment B: Initial Project Report update

Attachment C: Alameda County CMA Resolution 09-01

TOTAL PROJECT FUNDING PLAN

(Amounts Escalated in Thousands)

Project Title: Westbound I-580 HOV Lane		Project ID: 32.2a	
Agency: Alameda County Congestion Management Agency		Date: 2/2/2009	
TOTAL PROJECT COMMITTED - UNCOMMITTED TO BE DETERMINED			
Fund Source	Phase	Prior	Future
COMMITTED FUNDING PLAN (PROGRAMMED, ALLOCATED, APPROVED FUNDING)			
RM2	PE/Env (Scope)	1,000	10,000
RM2	Design	6,000	2,000
RM2	R/W	3,000	3,000
RM2	Construction	10,000	9,100
CMIA	Construction	30,500	30,500
SAFETEA - LU	Construction	9,600	9,600
UNCOMMITTED FUNDING PLAN (NON-PROGRAMMED/ALLOCATED, BUT PLANNED FUNDING)			
FUNDING SOURCE STILL TO BE DETERMINED (LIST POTENTIAL SOURCES THAT WILL LIKELY BE PURSUED)			
TOTAL PROJECT COMMITTED - UNCOMMITTED - TBD FUNDING TOTAL			
Prior		2004-05	2005-06
Future		2010-11	2011-12
TOTAL		2012-13	2013-14
TOTAL		2014-15	2015-16
TOTAL		2016-17	2017-18
TOTAL		2019-20	2020-21
TOTAL		2021-22	2022-23
TOTAL		2023-24	2024-25
TOTAL		2025-26	2026-27
TOTAL		2027-28	2028-29
TOTAL		2029-30	2030-31
TOTAL		2031-32	2032-33
TOTAL		2033-34	2034-35
TOTAL		2035-36	2036-37
TOTAL		2037-38	2038-39
TOTAL		2039-40	2040-41
TOTAL		2041-42	2042-43
TOTAL		2043-44	2044-45
TOTAL		2045-46	2046-47
TOTAL		2047-48	2048-49
TOTAL		2049-50	2050-51
TOTAL		2051-52	2052-53
TOTAL		2053-54	2054-55
TOTAL		2055-56	2056-57
TOTAL		2057-58	2058-59
TOTAL		2059-60	2060-61
TOTAL		2061-62	2062-63
TOTAL		2063-64	2064-65
TOTAL		2065-66	2066-67
TOTAL		2067-68	2068-69
TOTAL		2069-70	2070-71
TOTAL		2071-72	2072-73
TOTAL		2073-74	2074-75
TOTAL		2075-76	2076-77
TOTAL		2077-78	2078-79
TOTAL		2079-80	2080-81
TOTAL		2081-82	2082-83
TOTAL		2083-84	2084-85
TOTAL		2085-86	2086-87
TOTAL		2087-88	2088-89
TOTAL		2089-90	2090-91
TOTAL		2091-92	2092-93
TOTAL		2093-94	2094-95
TOTAL		2095-96	2096-97
TOTAL		2097-98	2098-99
TOTAL		2099-100	2100-101
TOTAL		2101-102	2102-103
TOTAL		2103-104	2104-105
TOTAL		2105-106	2106-107
TOTAL		2107-108	2108-109
TOTAL		2109-110	2110-111
TOTAL		2111-112	2112-113
TOTAL		2113-114	2114-115
TOTAL		2115-116	2116-117
TOTAL		2117-118	2118-119
TOTAL		2119-120	2120-121
TOTAL		2121-122	2122-123
TOTAL		2123-124	2124-125
TOTAL		2125-126	2126-127
TOTAL		2127-128	2128-129
TOTAL		2129-130	2130-131
TOTAL		2131-132	2132-133
TOTAL		2133-134	2134-135
TOTAL		2135-136	2136-137
TOTAL		2137-138	2138-139
TOTAL		2139-140	2140-141
TOTAL		2141-142	2142-143
TOTAL		2143-144	2144-145
TOTAL		2145-146	2146-147
TOTAL		2147-148	2148-149
TOTAL		2149-150	2150-151
TOTAL		2151-152	2152-153
TOTAL		2153-154	2154-155
TOTAL		2155-156	2156-157
TOTAL		2157-158	2158-159
TOTAL		2159-160	2160-161
TOTAL		2161-162	2162-163
TOTAL		2163-164	2164-165
TOTAL		2165-166	2166-167
TOTAL		2167-168	2168-1

Comments:

Enter all funding for the project - both Committed and Uncommitted. Enter amounts in thousands and escalated to the year of funding

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ATTACHMENT A

Westbound I-580 HOV Widening Project Fact Sheet
Updated February 2, 2009

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FACT SHEET – Subproject 32.2a – Westbound I-580 HOV Lane Project

Subproject Description:

Construct a westbound I-580 HOV Lane from Foothill Road to the Greenville Overcrossing (14 miles), as well as construct associated auxiliary lanes and associated roadway improvements. The HOV Lane will be constructed in the existing median of I-580.

Right-of-way will be required for this subproject. In addition to the right of way required for the HOV lane, a concurrent planning effort is underway in partnership with the Alameda County Transportation Improvement Authority to reserve right-of-way for the ultimate corridor buildout, which will include a future median transit corridor.

Need and Purpose:

The I-580 corridor in the Tri-Valley area is currently ranked as one of the most congested in the Bay area. The corridor serves commuters and freight traffic between the Central Valley and various Bay area destinations. Presently, westbound I-580 is congested particularly in the morning. The Westbound I-580 HOV Lane Project will relieve congestion for express buses and high occupancy vehicles in the morning peak period.

Subproject Status:

A Project Study Report has been prepared and was approved in December 2007. The environmental phase is underway and project approval is anticipated by November 2009. Design has proceeded to 35% and the project's right of way needs have been identified. Construction is anticipated to begin in early 2010. This project is requesting an allocation for right of way services, this includes the right of way engineering and mapping necessary for acquisition, but the funds for acquisition will be the subject of a future allocation request.

Subproject Cost and Funding:

PHASE	COST	PROPOSED FUNDING
Preliminary Engineering/ Environmental	\$10,000,000	\$10,000,000 – RM 2
Design	\$2,000,000	\$2,000,000 – RM 2
Right-of-Way	\$3,000,000	\$3,000,000 – RM 2
Construction Capital/Support	\$135,400,000	\$101,700,000 – CMIA \$ 19,100,000 – RM 2 \$ 5,000,000 – Local(Other) \$ 9,600,000 - SAFETEA \$135,400,000 Total
TOTAL	\$150,400,000	\$150,400,000

RM2 Proposed: \$300,000 for Right of Way support services.

Subproject Schedule:

PHASE	BEGIN	END
Prelim Engr/Environmental	November 2006	November 2009
Design	January 2008	March 2011
Right-of-Way	November 2009	March 2011
Construction Capital/Support	August 2011	October 2013

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February 9, 2009
Agenda Item 5.2

ATTACHMENT B

Initial Project Report for RM 2, Subproject 32.2a
Updated February 2, 2009

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Regional Measure 2

Initial Project Report (IPR)

I-580 – Tri-Valley Rapid Transit Corridor Improvements

#32.2a Westbound I-580 HOV Lane Project

**Submitted by
Alameda County Congestion Management Agency**

February 02, 2009

Initial Project Report (IPR)

Project Title:

Westbound I-580 HOV Lane Project

RM-2 Project No.

32.2a

Allocation History: This is a new proposed sub-project with no previous allocations. Consistent with CMIA project programming, the CMA plans to deliver the Westbound HOV Lane Project separate from the I-580/ I-680 Interchange Modification Project. Allocations for this new sub-project are requested to perform preliminary engineering and environmental document.

Project 32 was allocated a total of \$6,000,000 in 2004 prior to the definition of sub-projects. In 2006 specific sub-projects were defined and the 2004 allocations along with new allocations were divided amongst the sub-projects IPR's including IPR for the I-580 / I-680 Interchange PSR, where the Westbound I-580 HOV Lane Project was carried as an element of the study.

Previous allocations to Subproject 32.2a are summarized in the table below:

Previous Allocation Requests: Westbound I-580 HOV Lane Project (#32.2a)

Allocation Date (No.)	Amount Allocated	Phase Requested
Apr. 25, 07 (07366412)	\$10,000,000	Environmental / Preliminary Engineering (FY 07/08)

Current Allocation Request: Westbound I-580 HOV Lane Project (#32.2a)

An allocation of \$300,000 is requested for Right of Way Support.

New Allocation IPR Revision Date	Amount Requested	Phase Requested
February 2, 2009	\$300,000	Right of Way Support (FY 08/09)

I. OVERALL PROJECT INFORMATION

A. Project Sponsor / Co-sponsor(s) / Implementing Agency

Alameda County Congestion Management Agency (CMA) is a Project Sponsor with Caltrans as a Project Co-Sponsor. The CMA is the Implementing Agency. The CMA is the lead agency for the PA&ED and Design phases and will partner with Caltrans for the right-of-way acquisition. Construction will be administered by Caltrans.

B. Project Purpose

The I-580 corridor in the Tri-Valley area is currently ranked as one of the most congested in the Bay area. The corridor serves commuters and freight traffic between the Central Valley and various Bay area destinations. Presently, westbound I-580 is congested particularly in the morning. The Westbound I-580 HOV Lane Project will relieve congestion for express buses and high occupancy vehicles in the morning peak period.

C. Project Description (please provide details)

☐ **Project Graphics to be sent electronically with This Application**

The project will construct a westbound I-580 HOV Lane from Foothill Road to the Greenville Overcrossing (14 miles), as well as construct associated auxiliary lanes and associated roadway improvements. The HOV Lane will be constructed in the existing median of I-580.

D. Impediments to Project Completion

No impediments to project completion have been identified. Since the HOV Lane will be constructed in the median, additional right-of-way to meet design standards are minimal. This project will have a minimal impact to the Dublin Sports Park.

E. Operability

The entire facility will be owned, maintained, and operated by Caltrans.

II. PROJECT PHASE DESCRIPTION and STATUS

F. Environmental –

Does NEPA Apply: ☒ Yes ☐ No

A Project Study Report has been prepared and was approved in December 2007. The environmental phase is underway and project approval is anticipated by November 2009. Design has proceeded to 35% and the project's right of way needs have been identified. Construction is anticipated to begin in early 2010.

This project is requesting an allocation for right of way services, this includes the right of way engineering and mapping necessary for acquisition, but the funds for acquisition will be the subject of a future allocation request.

G. Design –

Preliminary design will occur concurrent with preparing the environmental document and project report. The final design is scheduled to begin in Fall 2009.

H. Right-of-Way Activities / Acquisition –

Design has proceeded to 35% and the project's right of way needs have been identified. The CMA is currently requesting an allocation of \$300,000 so that a Consultant may be retained to provide right of way support services. Actual right-of-way acquisition is scheduled to begin in late 2009; funds for acquisition will be the subject of a future allocation request.

I. Construction / Vehicle Acquisition -

Construction is scheduled to begin in August 2011.

III. PROJECT BUDGET

J. Project Budget (Escalated to year of expenditure)

Phase	Total Amount - Escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED) (Scoping only)	\$10,000
Design - Plans, Specifications and Estimates (PS&E)	\$2,000
Right-of-Way Activities /Acquisition (R/W)	\$3,000
Construction (CON)	\$100,700
Total Project Budget (in thousands)	\$145,400

K. Project Budget (De-escalated to current year)

Phase	Total Amount - De-escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED) (Scoping only)	\$10,000
Design - Plans, Specifications and Estimates (PS&E)	\$2,000
Right-of-Way Activities /Acquisition (R/W)	\$3,000
Construction / Rolling Stock Acquisition (CON)	\$111,600
Total Project Budget (in thousands)	\$126,600

IV. OVERALL PROJECT SCHEDULE

Phase-Milestone	Planned (Update as needed)	
	Start Date	Completion Date
Preliminary Engineering/Environmental (Scoping Only)	November 2006	December 2007
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	November 2006	November 2009
Final Design - Plans, Specs. & Estimates (PS&E)	January 2008	March 2011
Right-of-Way Activities /Acquisition (R/W)	November 2009	March 2011
Construction (Begin – Open for Use) / Acquisition / Operating Service (CON)	August 2011	October 2013

V. ALLOCATION REQUEST INFORMATION

L. Detailed Description of Allocation Request

The current allocation request of \$300,000 will provide funds to the Right of Way phase of the project. The work performed will include the preparation and approval of Right of Way Hardcopy and Appraisal Maps, as well as the preparation of Legal Descriptions and other documents necessary for right of way acquisition. Funds for the acquisition of right of way will be the subject of a future allocation request.

Amount being requested (in escalated dollars)	\$300,000.00
Project Phase being requested	Right of Way
Are there other fund sources involved in this phase?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Date of anticipated Implementing Agency Board approval the RM2 IPR Resolution for the allocation being requested	February 9, 2009
Month/year being requested for MTC Commission approval of allocation	April 2009

M. Status of Previous Allocations (if any)

A previous allocation of \$10,000,000 was made in March 2007 for preparation of an Environmental Document and for Preliminary Engineering. A Draft Initial Study/Environmental Assessment (IS/EA) is nearing completion and is expected to be circulated for public comment in March 2009. Preliminary Engineering has progressed to approximately 35% complete and right of way needs have been identified. Project Approval is scheduled for November 2009.

N. WorkplanWorkplan in Alternate Format Enclosed ☐

TASK NO	Description	Deliverables	Completion Date
1	Scoping Phase	Project Study Report (PSR)	December 2007
2	Preliminary Engineering/ Environmental Document	Project Approval and Environmental Document (PA&ED)	November 2009
3	Right of Way Support	Right of Way Mapping and Acquisition Documents	November 2009

O. Impediments to Allocation Implementation

No impediments to allocation implementation have been identified.

VI. RM-2 FUNDING INFORMATION**P. RM-2 Funding Expenditures for funds being allocated**

☒ The companion Microsoft Excel Project Funding Spreadsheet to this IPR is included

Next Anticipated RM-2 Funding Allocation Request

RM-2 funds may be requested for the subsequent final design phase and for right of way acquisition in Fall 2009.

VII. GOVERNING BOARD ACTION

Check the box that applies:

☐ Governing Board Resolution attached

☒ Governing Board Resolution to be provided on or before: February 26, 2009

VIII. CONTACT / PREPARATION INFORMATION

Contact for Applicant's Agency

Name: Frank Furger

Phone: 510-836-2560

Title: Chief Deputy Director

E-mail: ffurger@accma.ca.gov

Information on Person Preparing IPR

Name: Stephen D. Haas

Phone: 510-836-2560

Title: Project Manager

E-mail: shaas@accma.ca.gov

Applicant Agency's Accounting Contact

Name: Yvonne Chan

Phone: 510-836-2560

Title: Accounting Manager

E-mail: ychan@accma.ca.gov

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ATTACHMENT C

RESOLUTION 09-01

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**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY
RESOLUTION 09-01**

Implementing Agency: Alameda County Congestion Management Agency

Project Titles: Allocation Request for the Subproject 32.2a: Westbound I-580 HOV Lane Project of Project 32: I-580 – Tri-Valley Rapid Transit Corridor Improvements.

Whereas, SB 916 (Chapter 715, Statutes 2004), commonly referred as Regional Measure 2 or RM2, identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

Whereas, the Metropolitan Transportation Commission (“MTC”) is responsible for funding projects eligible for Regional Measure 2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

Whereas, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 2 funding; and

Whereas, allocations to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 2 Policy and Procedures; and

Whereas, the Alameda County Congestion Management Agency (“CMA”) is an eligible sponsor of transportation projects in Regional Measure 2, Regional Traffic Relief Plan funds; and

Whereas, the Subprojects 32.2a: Westbound I-580 HOV Lane Project is eligible for consideration in the Regional Traffic Relief Plan of Regional Measure 2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

Whereas, the Regional Measure 2 allocation request, attached hereto in the Initial Project Report and incorporated herein as though set forth at length, project, purpose, schedule, budget, expenditure and cash flow plan for which CMA is requesting that MTC allocate Regional Measure 2 funds; now, therefore, be it

Resolved, that the CMA and its agents shall comply with the provisions of the Metropolitan Transportation Commission’s Regional Measure 2 Policy Guidance (MTC Resolution No. 3636); and be it further

Resolved, that the CMA certifies that the project is consistent with the Regional Transportation Plan (“RTP”);

Resolved, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project;

Resolved, that the Regional Measure 2 phase or segment is fully funded, and results in an operable and useable segment;

Resolved, that the CMA approves the updated Initial Project Report, attached to this resolution; and be it further

Resolved, that the CMA approves the cash flow plan, attached to this resolution; and be it further

Resolved, that the CMA has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the updated Initial Project Report, attached to this resolution; and be it further

Resolved, that the CMA is an eligible sponsor of projects in the Regional Measure 2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(c); and be it further

Resolved, that the CMA is authorized to submit an application for Regional Measure 2 funds for the Subproject 32.2a: Westbound I-580 HOV Lane Project as part of the Project 32: I-580 – Tri-Valley Rapid Transit Corridor Improvements, in accordance with California Streets and Highways Code 30914(c); and be it further

Resolved, that the CMA certifies that the project and purposes for which RM2 funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et. seq. and the applicable regulations there under; and be it further

Resolved, that there is no legal impediment to the CMA making allocation requests for Regional Measure 2 funds; and be it further

Resolved, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of the CMA to deliver such project; and be it further

Resolved that CMA indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of the CMA, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages, and be it further

Resolved, that the CMA shall, if any revenues or profits from any non-governmental use of property (or project) are collected, that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s); and be it further

Resolved, that assets purchased with RM2 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the MTC shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that Regional Measure 2 funds were originally used; and be it further

Resolved, that the CMA shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Regional Measure 2 Toll Revenues; and be it further

Resolved, that the CMA hereby authorizes its Executive Director, or his designee, to execute and submit an allocation request for the following phase of the following subproject with MTC for Regional Measure 2 funds for a total of \$300,000 for the project, purposes and amounts included in the project application attached to this resolution;

Project	Phase	Previous Allocation Authorized	Additional / New Allocation Need	Total for Phase	Total Subproject (previous and new allocation)	ALLOCATION REQUESTED
Value in \$ Thousands						
32.2a Westbound I-580 HOV Lane Project	PA/ED	10,000		10,000	10,000	
	Design	2,000		2,000	2,000	
	R/W		300	3,000	300	300
	Total	12,000	300	15,000	12,300	300

and be it further

Resolved, that the Executive Director, or his designee, is hereby delegated the authority to make non-substantive changes or minor amendments to the IPR as he/she deems appropriate; and be it further

Resolved, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the CMA application referenced herein; and be it further

Resolved, that the Executive Director, or his designee, is hereby delegated the authority to make non-substantive changes or minor amendments to the IPR as he/she deems appropriate; and be it further

Resolved, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the CMA application referenced herein.

DULY PASSED AND ADOPTED by the CMA at the regular meeting of the Board held on Thursday, February 26, 2009 in Oakland, California by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

SIGNED:

Mark Green, Chairperson

ATTEST:

Gladys V. Parmelee, Board Secretary